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on June 27, 2011

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ELECTION UNDER 35 USC §121
Examining Group 1638
Patent Application
Docket No. UF.386CXC1
Serial No. 10/574,124

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Russell Kallis
Art Unit : 1638
Applicants : Harry J. Klee, Denise Tieman
Serial No. : 10/574,124
Filed : April 23, 2007
Confirm. No. : 5548
For : Materials and Methods for Synthesis of a Flavor and Aroma Volatile in Plants

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION UNDER 35 USC §121

Sir:

A Petition and fee for a two-month Extension of Time through and including June 27, 2011, accompanies this Election.

In response to the written Restriction Requirement dated March 25, 2011 in the above-identified patent application, Applicants hereby elect, with traverse, SEQ ID NO:12 as the nucleic acid sequence and SEQ ID NO:13 as the corresponding amino acid sequence. Claims 18, 34-36, 47, 58, 94, 95, 99, 100, and 104-113 encompass the elected invention.

Applicants respectfully assert that the requirement that Applicants restrict the elected invention to one sequence should be withdrawn and the requirement be made as an election of species. Applicants respectfully submit that all of the sequences are members of a structurally

and functionally related genus. In addition, Applicants note that MPEP §803.04 indicates that an examiner should consider at least 10 sequences for examination in an application. The subject specification discloses five (5) amino acid sequences of plant aromatic decarboxylase proteins. Moreover, Applicants have submitted an Amendment wherein independent claims 18, 34, 36, 47, and 58 have been amended to specify that the claimed decarboxylase comprises decarboxylase enzymatic activity that is active on a phenylalanine amino acid. The Guillet *et al.* reference does not teach or suggest a plant decarboxylase that comprises decarboxylase enzymatic activity on a phenylalanine amino acid. Accordingly, reconsideration and withdrawal and/or modification of the Restriction Requirement is respectfully requested.

An Amendment under 37 CFR §1.111 is being submitted with this Election.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



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Attachments: Petition and Fee for Extension of Time
Amendment under 37 CFR §1.111